

Submission to Senate Legal and Constitutional Affairs Committee

Provisions of the Water Act 2007

110217

Submit to legcon.sen@aph.gov.au by 18 March



Murrumbidgee Valley Food and Fibre Association.

MVFFA is an association that represents irrigators and business owners in the Murrumbidgee valley. Our primary membership is broad acre irrigators but we also represent business and community members from towns and cities in the MIA.

Since the Water Act 2007 has been legislated, there have been unprecedented reactions and responses from people living inside and outside of the Murray Darling Basin. The overwhelming response has been critical even in areas outside of the Basin. These criticisms have come from people from all walks of life, not just irrigation farmers. We would submit that for this reason alone, The Water Act 2007 and the resultant Murray Darling Basin Plan (MDBP) are not acceptable and desperately need review.

MVFFA supports the NSWIC position on the Water Act 2007. This Act does not appear to comply with the National Water Initiative (NWI) and it therefore appears unable to deliver a triple bottom line approach. The Water Act 2007 is hamstrung by having to comply with international conventions relating to the environment. It is also open to too many different interpretations as recent inquiries (including this one) have indicated. We submit it will be impossible to develop a sensible “whole of basin” approach by using this Act. MVFFA would support a return to the NWI and an Act that clearly defines and supports a triple bottom line outcome.

MVFFA further submits that the Water Act 2007 should allow for genuine investigation into technical and engineering solutions to help achieve a progressive triple bottom line outcome. Rural communities are aware that some change is necessary. They will support change if it is feasible and if it demonstrates a real effort to achieve progress and sustainability. Unfortunately

for all Australians, The Water Act 2007 has birthed a plan that is not feasible and alarmingly regressive.

This whole process has claimed “wide consultation” and much “peer review”. MVFFA does not believe that this has been the case. The Water Act 2007 should demand consultation with the people who know the practicalities of managing water and know the true condition and the true history of the MDB. These people live and work in the MDB. Some of these people are 3rd and 4th generation producers and have vast practical experience and vast knowledge of the system. We would also add that the definition of “consultation” is not just touring around and giving a power point presentation and then taking questions which are left unanswered. The definition of “consultation” is: debate, discuss, request professional advice, refer for information and advice, seek advice, ruminate, put on one’s possibility thinking cap, seek guidance, cogitate, conceptualise or deliberate. *Macquarie Dictaurus, Macquarie University 1991.*

It is evident that The Water Act 2007 cannot deliver in its current format. Its reliance on International Conventions and some arbitrary choices of ‘Environmental Assets’ as well as ‘Ramsar Sites’ have made it impossible to come up with a balanced and practical plan. It focuses mainly on the environment because, legally, that’s the only way the federal government can gain a constitutional advantage over the States.

MVFFA submits that it is immoral and potentially illegal to use a questionable assumption such as the following for political expediency:

“The over-allocation of water to consumptive use (and particularly to irrigated agriculture) has damaged a number of important water-dependent environmental assets in the Murray–Darling Basin (MDBA 2010a).”

It is immoral because the resultant harm to irrigated agriculture and purpose built communities is well documented.

It is immoral because the Federal Government is attempting to use “international conventions” to solve an Australian political issue.

It is potentially illegal because constitutional power over water management rests with the states.

MVFFA comes to the same conclusions as NSWIC:

‘ The Water Act does not deliver the equal weighting of social, environmental and economic factors that was agreed to by NSW, other States and the Commonwealth in the National Water Initiative. The Act is fundamentally unbalanced and must be altered to provide the outcome that this State signed up to.’

Murrumbidgee Valley Food and Fibre Association Committee:

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